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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,603	08/04/2003	Letty B. Nutt	100110440-1	6513
22879 7590 08/02/2007 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER MCCARTHY, CHRISTOPHER S	
			ART UNIT 2113	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/634,603	Applicant(s) NUTT, LETTY B.	
	Examiner Christopher S. McCarthy	Art Unit 2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-48 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>response to arguments</u> |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-10, 12-13, 17-22, 25-26, 28-30, 32-37, 38-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Keyes et al. U.S. Patent 6,516,427

As per claim 1, Keyes teaches a method of diagnosing network devices, comprising: receiving an error notification in a network device; creating a diagnostic report in the network device relating to the network device in response to receiving the error notification in the network device (column 2, line 66 – column 3, line 3; column lines 5, 30-41); and automatically transmitting the diagnostic report through a firewall to a service center (column 4, lines 11-18).

As per claim 2, Keyes teaches the method of claim 1, wherein creating the diagnostic report includes generating the diagnostic report in an electronic format (column 4, lines 29-41).

As per claim 4, Keyes teaches the method of claim 2, wherein transmitting the diagnostic report includes using a firewall penetrating protocol (column 3, line 65 – column 4, line 5).

As per claim 5, Keyes teaches the method of claim 2, wherein transmitting the diagnostic report includes using at least one of Simple Mail Transfer Protocol (SMTP), and Hypertext Transfer Protocol (HTTP) (column 4, lines 29-41).

As per claim 6, Keyes teaches the method of claim 5, wherein transmitting the diagnostic report is executed by a communication module in the networked device (column 4, lines 42-53).

As per claim 7, Keyes teaches the method of claim 2, further includes: receiving the diagnostic report at the service center in the electronic format; and reading the diagnostic report programmatically at the service center (column 4, lines 11-18).

As per claim 8, Keyes teaches the method of claim 7, including determining a suggested course of action based on the diagnostic report at the service center (column 4, lines 42-50).

As per claim 9, Keyes teaches the method of claim 8, including communicating the suggested course of action from the service center to a customer representative (column 4, lines 16-18).

As per claim 10, Keyes teaches the method of claim 1, wherein creating the diagnostic report includes reading a configuration status file of the network device (column 3, lines 52-58).

As per claim 12, Keyes teaches a network device configured to transmit a diagnostic report, the network device comprising: an error notification generator configured to generate an error notification upon detection of a malfunction in the network device; a diagnostic module configured to generate a diagnostic report in response to receiving the error notification; and a communication module configured to automatically execute transmission of the diagnostic report to a service center upon generation of the diagnostic report (column 2, line 66 – column 3, line 3; column 4, lines 11-18).

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As per claim 13, Keyes teaches the network device of claim 12, wherein the diagnostic module is configured to produce the diagnostic report in an electronic format (column 4, lines 29-41).

As per claim 17, Keyes teaches the networked device of claim 12, wherein the error notification generator includes at least one of a user selection on an interface of the network device, and an automatic signal generated by an error in the network device detected by a sensor (column 4, lines 30-32).

As per claim 18, Keyes teaches a method of providing help to a user of a network device comprising: generating an error notification in response to a detected malfunction in the network device; generating a diagnostic report in the device relating to the malfunction in the network device; in response to receiving the error notification in the network device, automatically transmitting the diagnostic report over a network to a service center in response to the error notification (column 2, line 66 – column 3, line 3; column 4, lines 11-18, 30-41); receiving the diagnostic report relating to the network device at the service center (column 4, lines 11-18); determining a suggested course of action based on the diagnostic report; and communicating the suggested course of action to the user (column 4, lines 16-18, 42-50).

As per claim 19, Keyes teaches the method of claim 18, wherein receiving the diagnostic report includes receiving the diagnostic report in an electronic format (column 4, lines 11-18).

As per claim 20, Keyes teaches the method of claim 19, further including programmatically reading the diagnostic report received from the network device in the electronic format (column 4, lines 11-18).

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As per claim 21, Keyes teaches the method of claim 20, wherein determining the suggested course of action occurs based on the programmatically read diagnostic report (column 4, lines 42-50).

As per claim 22, Keyes teaches the method of claim 20, wherein transmitting the diagnostic report includes transmitting the diagnostic report through a firewall to an external network (column 3, line 65- column 4, line 5).

As per claim 25, Keyes teaches a user service system comprising: a service center; a network device having an error notification generator (column 4, lines 30-33), a diagnostic module configured to produce a diagnostic report in response to receiving an error notification received from the error notification generator, and a communications module configured to automatically transmit the diagnostic report from the network device to the service center upon receipt of the error notification; and a network connecting the networked device and the service center, wherein the network includes a firewall interposed the network device and the service center (column 2, line 66 – column 3, line 3; column 4, lines 11-18).

As per claim 26, Keyes teaches the user service system of claim 25, wherein the diagnostic report transmitted to the customer service center through the firewall is in an electronic format (column 4, lines 29-41).

As per claim 28, Keyes teaches the user service system of claim 26, wherein the transmission through the firewall uses at least one of Simple Mail Transfer Protocol (SMTP), and Hypertext Transfer Protocol (HTTP) (column 4, lines 29-41).

As per claim 29, Keyes teaches a network device configured to transmit a diagnostic report comprising: a means for generating an error notification; a means for producing a

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diagnostic report in response to receiving an error notification; and a means for automatically transmitting the diagnostic report upon receipt of the error notification (column 2, line 66 – column 3, line 3; column 4, lines 11-18).

As per claim 30, Keyes teaches the network device of claim 29, wherein the means for producing the diagnostic report produces the diagnostic report in an electronic format (column 4, lines 29-41).

As per claim 32, Keyes teaches the network device of claim 31, wherein: the diagnostic report is transmitted to a service center; the service center programmatically reads the diagnostic report; and a suggested course of action based on the diagnostic report is determined by the service center (column 4, lines 11-18, 42-50).

As per claim 33, Keyes teaches the network device of claim 30, wherein the means for automatically transmitting the diagnostic report to a service center includes transmitting the diagnostic report through a network firewall to a location on an external network (column 3, line 65 – column 4, line 5).

As per claim 34, Keyes teaches the networked device of claim 33, wherein the means for transmitting the diagnostic report includes at least one of Simple Mail Transfer Protocol (SMTP), and Hypertext Transfer Protocol (HTTP) to transmit the diagnostic report through the firewall (column 4, lines 26-41).

As per claim 35, Keyes teaches the network device of claim 29, wherein the error notification includes at least one of a user selection on an interface of the network device, and an automatic signal generated by a machine error in the network device (column 4, lines 30-32).

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As per claim 36, Keyes teaches a program storage device readable by a processor, tangibly embodying a program of instructions executable by the processor to perform a method of diagnosing network devices: receiving an error notification on a network device; creating a diagnostic report on the network device for the network device in response to receiving the error notification on the network device; and automatically transmitting the diagnostic report through a firewall to a service center (column 2, line 66 – column 3, line 3; column 4, lines 11-18).

As per claim 37, Keyes teaches the method on the program storage device of claim 36, wherein creating the diagnostic report includes generating the diagnostic report in an electronic format (column 4, lines 29-41).

As per claim 39, Keyes teaches the method on the program storage device of claim 36, wherein the diagnostic report is transmitted over a network (column 4, lines 11-18).

As per claim 40, Keyes teaches the method on the program storage device of claim 39, wherein transmitting the diagnostic report includes using at least one of Simple Mail Transfer Protocol (SMTP), and Hypertext Transfer Protocol (HTTP) (column 4, lines 29-41).

As per claim 41, Keyes teaches the method on the program storage device of claim 39, wherein transmitting the diagnostic report is executed by a communication module in the networked device (column 4, lines 42-50).

As per claim 42, Keyes teaches the method on the program storage device of claim 36, wherein the diagnostic report is received by the customer service center in the electronic format and programmatically read at the customer service center (column 4, lines 11-18).

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As per claim 43, Keyes teaches the method on the program storage device of claim 42, further includes: receiving the diagnostic report at the service center in the electronic format; and reading the diagnostic report programmatically at the service center (column 4, lines 11-18).

As per claim 44, Keyes teaches the method on the program storage device of claim 43, including determining a suggested course of action based on the diagnostic report at the service center (column 4, lines 42-50).

As per claim 45, Keyes teaches the method on the program storage device of claim 36, including communicating the suggested course of action from the service center to a customer representative (column 4, lines 16-18).

As per claim 46, Keyes teaches the method on the program storage device of claim 36, wherein creating the diagnostic report includes reading a configuration status file of the network device (column 3, lines 52-58).

As per claim 47, Keyes teaches the method on the program storage device of claim 36, wherein the error notification includes at least one of a user selection on an interface of the networked device, and an automatic signal generated by a machine error in the networked device (column 4, lines 30-32).

As per claim 47, Keyes teaches the method of claim 1, wherein receiving the error notification includes receiving an automatic signal generated by a machine error in the networked device (column 4, lines 30-33).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C.

102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37

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CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 14-16, 27, 31, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keyes in view of Taggart et al. U.S. Patent 6,944,659.

As per claim 3, Keyes teaches the method of claim 2. Keyes does not explicitly teach wherein generating the electronic format of the diagnostic report includes creating the diagnostic report in at least one of Extensible Markup Language (XML), Hypertext Markup Language (HTML), and Comma Delimited Format. Taggart does teach wherein generating the electronic format of the diagnostic report includes creating the diagnostic report in at least one of Extensible Markup Language (XML), Hypertext Markup Language (HTML), and Comma Delimited Format (column 3, lines 26-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the XML language process of Taggart to the notification process of Keyes. One of ordinary skill in the art would have been motivated to combine the XML language process of Taggart to the notification process of Keyes because

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Taggert teaches his process of transmitting an error event to a remote computer for remedification (column 2, lines 13-18); an explicit desire of Keyes (column 1, lines 6-10).

As per claim 14, Keyes teaches the network device of claim 13. Keyes does not explicitly teach wherein generating the electronic format of the diagnostic report includes creating the diagnostic report in at least one of Extensible Markup Language (XML), Hypertext Markup Language (HTML), and Comma Delimited Format. Taggert does teach wherein generating the electronic format of the diagnostic report includes creating the diagnostic report in at least one of Extensible Markup Language (XML), Hypertext Markup Language (HTML), and Comma Delimited Format (column 3, lines 26-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the XML language process of Taggert to the notification process of Keyes. One of ordinary skill in the art would have been motivated to combine the XML language process of Taggert to the notification process of Keyes because Taggert teaches his process of transmitting an error event to a remote computer for remedification (column 2, lines 13-18); an explicit desire of Keyes (column 1, lines 6-10).

As per claim 15, Keyes teaches the networked device of claim 14, wherein the communications module transmits the diagnostic report through a network firewall to a location on an external network (column 3, line 65 – column 4, line 5).

As per claim 16, Keyes teaches the networked device of claim 15, wherein the communication module uses at least one of Simple Mail Transfer Protocol (SMTP), and Hypertext Transfer Protocol (HTTP) to transmit the diagnostic report through the firewall (column 4, lines 29-41).

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As per claim 27, Keyes teaches the user service system of claim 26. Keyes does not explicitly teach wherein generating the electronic format of the diagnostic report includes creating the diagnostic report in at least one of Extensible Markup Language (XML), Hypertext Markup Language (HTML), and Comma Delimited Format. Taggart does teach wherein generating the electronic format of the diagnostic report includes creating the diagnostic report in at least one of Extensible Markup Language (XML), Hypertext Markup Language (HTML), and Comma Delimited Format (column 3, lines 26-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the XML language process of Taggart to the notification process of Keyes. One of ordinary skill in the art would have been motivated to combine the XML language process of Taggart to the notification process of Keyes because Taggart teaches his process of transmitting an error event to a remote computer for remedification (column 2, lines 13-18); an explicit desire of Keyes (column 1, lines 6-10).

As per claim 31, Keyes teaches the network device of claim 30. Keyes does not explicitly teach wherein generating the electronic format of the diagnostic report includes creating the diagnostic report in at least one of Extensible Markup Language (XML), Hypertext Markup Language (HTML), and Comma Delimited Format. Taggart does teach wherein generating the electronic format of the diagnostic report includes creating the diagnostic report in at least one of Extensible Markup Language (XML), Hypertext Markup Language (HTML), and Comma Delimited Format (column 3, lines 26-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the XML language process of Taggart to the notification process of Keyes. One of ordinary skill in the art would

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have been motivated to combine the XML language process of Taggert to the notification process of Keyes because Taggert teaches his process of transmitting an error event to a remote computer for remedification (column 2, lines 13-18); an explicit desire of Keyes (column 1, lines 6-10).

As per claim 38, Keyes teaches the method on the program storage device of claim 36. Keyes does not explicitly teach wherein generating the electronic format of the diagnostic report includes creating the diagnostic report in at least one of Extensible Markup Language (XML), Hypertext Markup Language (HTML), and Comma Delimited Format. Taggert does teach wherein generating the electronic format of the diagnostic report includes creating the diagnostic report in at least one of Extensible Markup Language (XML), Hypertext Markup Language (HTML), and Comma Delimited Format (column 3, lines 26-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the XML language process of Taggert to the notification process of Keyes. One of ordinary skill in the art would have been motivated to combine the XML language process of Taggert to the notification process of Keyes because Taggert teaches his process of transmitting an error event to a remote computer for remedification (column 2, lines 13-18); an explicit desire of Keyes (column 1, lines 6-10).

5. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keyes in view of Deshpande et al. U.S. Patent 7,149,936.

As per claim 23, Keyes teaches the method of claim 18. Keyes does not explicitly teach wherein communicating the suggested course of action to the customer representative includes

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verbal communication. Deshpande does teach wherein communicating the suggested course of action to the customer representative includes verbal communication (column 4, lines 49-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the communication of Deshpande to the resolution process of Keyes. One of ordinary skill in the art would have been motivated combine the communication of Deshpande to the resolution process of Keyes because Deshpande teaches the benefits of remote diagnosis of a errant peripheral (column 1, lines 7-11); an explicit desire of Keyes (column 1, lines 6-10).

As per claim 24, Keyes teaches the method of claim 23. Keyes does not explicitly teach wherein communicating the suggested course of action to the customer representative includes verbal communication over a telephonic network. Deshpande does teach wherein communicating the suggested course of action to the customer representative includes verbal communication over a telephonic network (column 4, lines 49-52; column 8, lines 21-22).). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the communication of Deshpande to the resolution process of Keyes. One of ordinary skill in the art would have been motivated combine the communication of Deshpande to the resolution process of Keyes because Deshpande teaches the benefits of remote diagnosis of a errant peripheral (column 1, lines 7-11); an explicit desire of Keyes (column 1, lines 6-10).

Allowable Subject Matter

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6. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed 5/10/07 have been fully considered but they are not persuasive.

Applicant argues that Keyes does not teach the newly amended limitations of the diagnostic report being created in the network device and in response to receiving the error notification in the device. The examiner respectfully disagrees. The examiner has taken the claim language with all possible definitions and possible interpretations. For instance, the diagnostic report created in the device is merely interpreted as diagnostic findings. These diagnostic findings are included in a message that is sent to the RDD. It is the interpretation of the examiner that these investigative findings/results as presented to the RDD for analysis are broadly definable as a diagnostic report. Webster's Dictionary defines report as "a record with more or less detail of the transactions of a deliberative body". The examiner contends that this definition is consistent with the interpretation taken in light of the claim language.

The second newly added limitation of the report being in response to receiving of the error notification in the device, as contended by the examiner, is also taught by Keyes. Again using Webster's Dictionary, the word receiving can be defined as acquiring, or gaining knowledge or information of. Using this definition, the examiner contends that Keyes teaches the event notification to be occurring in the device by the module JVM. In response to the event

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notification, the diagnostic routine is called and the diagnostic process begins. So it can be said that Keyes, at least indirectly, teaches that the diagnostic report is triggered by the event notification that occurs in the device, and this event is created by the acquiring of information of a failure or anomaly that is detected by the JVM (column 4, lines 30-33).

With respect to claim 11, the applicant has amended the claim to claim only the user interface option of event notification. The examiner finds this option not to be present in Keyes or a desire therein.

In light of the above arguments, all applicable rejected claims stand.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. McCarthy whose telephone number is (571)272-3651. The examiner can normally be reached on M-F, 9 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Christopher S. McCarthy
Examiner
Art Unit 2113